

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

HLV, LLC, a Michigan limited liability company; LANDWORTHY CONTAINER, LLC; a Michigan limited liability company; and ROBERT BAKER, an individual,

Case No. 1:13-cv-1366-PLM

HON. PAUL L. MALONEY

Plaintiffs,

-VS-

VAN BUREN COUNTY, a municipal corporation; VILLAGE OF PAW PAW, a municipal corporation; PAGE & STEWART, an ad hoc professional partnership; KELLY PAGE, an individual; GARY STEWART, JR., an individual; PAUL HAMRE, an individual; PEGGY GROTE, an individual, MICHAEL MCKAY, an individual, and MICHAEL BEDFORD, an individual,¹

Defendants.

**PLAINTIFF'S MOTION FOR COSTS AND ATTORNEY FEES PURSUANT TO
FED. R. CIV. P. 54(d)(2) and 42 U.S.C. § 1988(b)**

COMES NOW the Plaintiff, by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 54(d)(2) and 42 U.S.C. § 1988(b) and, in addition to the reasons set forth in the accompanying brief, state as follows:

1. This matter was tried before a jury in this Court from April 18, 2018 to April 26, 2018.
2. The jury was presented with the following issue: whether HLV proved “that it was deprived of its property without due process of law as a result of a conspiracy

¹ Defendants Van Buren County, Village of Paw Paw, Peggy Grote, Paul Hamre, Michael McKay and Michael Bedford have been dismissed by Orders of this Court dated June 29, 2015 and June 30, 2015.

between Stewart and Hamre or between Stewart, Page and Hamre.” (ECF No. 497, PageID.7537).

3. The jury returned a verdict in favor of Plaintiff and against Defendant Stewart and awarded Plaintiff nominal damages. (ECF No. 497, PageID.7537).
4. A Judgment reflecting the jury’s verdict was entered on April 26, 2018. (ECF 498, PageID.7539).
5. As such, Plaintiff is the prevailing party and is entitled to costs, including attorney fees pursuant to Fed. R. Civ. P. 54(d)(2) and 42 U.S.C. § 1988(b) in the following amounts:
 - a. \$490,797.90 in attorney’s fees and expenses; and²
 - b. To be determined amount for prejudgment interest.³
6. Counsel for Plaintiff incorporates and relies upon the facts and arguments set forth in the supporting brief filed concurrently with this Motion.

WHEREFORE, for the reasons set forth in the accompanying brief and pursuant to Fed. R. Civ. P. 54(d)(2) and 42 U.S.C. § 1988(b), Plaintiff respectfully requests that the Court enter an Order awarding them attorney’s fees and expenses, in the total amount of **\$490,797.90**, plus interest from December 23, 2013.

² Some of the expenses requested herein are duplicative of those requested in Plaintiff’s Bill of Costs (specifically, deposition fees, witness attendance and mileage fees, witness service fees, fees for the electronic discovery consultant and some fees for photocopying). To the extent the Court awards these expenses under Plaintiff’s Bill of Costs, the total amount sought herein should be reduced accordingly.

³ For the reasons set forth in the accompanying brief, the exact amount of prejudgment inters cannot be calculated until the Court establishes the amount of attorney fees and costs that Plaintiffs are entitled to and enters and Judgment or Order regarding the same.

Dated: May 10, 2018

/s/ Brittany B. Dzuris
Brittany B. Dzuris (P81438)
Donald R. Visser (P27961)
VISSER AND ASSOCIATES, PLLC
J. Nicholas Bostic (P40653)
BOSTIC & ASSOCIATES, PLLC
Counsel for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on May 10, 2018 the foregoing document was served on all parties of record via electronic mail.

By: /s/ Brittany B. Dzuris.